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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BOTTS, MICHAEL K

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/730,386	Applicant(s) GODDARD ET AL.	
	Examiner Michael K. Botts	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/8/03; 1/14/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/8/03; 1/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This document is the first Office Action on the merits. This action is responsive to the following communications: The Non-Provisional Application, which was filed on December 8, 2003, and Information Disclosure Statements, which were filed on December 8, 2003, and January 14, 2004.
2. Claims 1-20 have been examined, with claims 1, 8, and 17 being the independent claims.
3. Claims 1-17 are rejected.

Information Disclosure Statement

4. Initialed and dated copies of applicant's IDS form 1449, which were filed on December 8, 2003, and January 14, 2004, are attached to this Office Action.

Claims Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Orr, et al. (U.S. Patent 5,895,477, issued April 20, 1999) [hereinafter "Orr"].

Regarding **independent claim 1**, Orr teaches:

*A system for preserving original formatting in a text file comprising:
a source code preservation module that receives an original text file with
an original formatting, compares a first modified text file with a second modified
text file to find a modified block of text and applies the modified block of text to
the original text file to generate a final file with the original formatting.*

(See, Orr, Figure 21, and col. 26, lines 15-33, teaching that the new file may be modified to the format of the original file. See also, Orr, col. 27, lines 9-26, teaching the “universal object adaptor” functioning as the “source code preservation module” for making the comparison between the original text file and the modified block of text.)

Regarding **dependent claim 2**, Orr teaches:

The system of claim 1, wherein the final file comprises source code.

(See, Orr, col. 10, lines 25-27, teaching that the information presentation may be expressed in HTML, which is a source code.)

Regarding **dependent claim 3**, Orr teaches:

The system of claim 1, wherein the final file comprises HTML.

(See, Orr, col. 10, lines 25-27, teaching that the information presentation may be expressed in HTML.)

Regarding **dependent claim 4**, Orr teaches:

The system of claim 1, further comprising a design mode module.

(See, Orr, col. 10, lines 50-53, and col. 14, lines 18-26, teaching a “design tree” functioning as the “design mode module.”)

Regarding **dependent claim 5**, Orr teaches:

The system of claim 4, wherein the design mode module displays the original text file as rendered by a browser.

(See, Orr, Figures 1-14, and col. 20, line 37 through col. 22, line 8, teaching the design tree to display file in a browser.)

Regarding **dependent claim 6**, Orr teaches:

The system of claim 1, further comprising a source code module.

(It is noted that the term “source code module” is not defined in the specification. Based on the use of the term in dependent claim 7, below, it is believed that the term “source code module” is intended by the applicants to be consistent with a module capable of managing source code in some manner that includes the ability to edit the code, and based on this reasoning, the term “source code module” will be interpreted in this manner for the rest of this office action. See, Orr, Figure 16, and col. 22, lines 8-34, teaching the rendering and editing of data in HTML source code. See also, Orr, Figure 9, and col. 17, lines 61-65 teaching editing of text in an HTML document.)

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Regarding **dependent claim 7**, Orr teaches:

The system of claim 6, wherein the source code module comprises a source code text editor.

(See, rejection of claim 6 above, made applicable hereto by this reference.)

Regarding **independent claim 8**, Orr teaches:

A method for preserving formatting of an original file comprising:
receiving an unmodified file, the unmodified file associated with a first format;
receiving a modified file, the modified file associated with a second format;
comparing the unmodified file and the modified file to determine at least one modification; and
applying the at least one modification to the unmodified file to generate a final file having the first format.

(See, Orr, Figures 29-46, and col. 23, line 61 through col. 51, line 52, generally, teaching techniques for manipulation of dropping files into document. Specifically, see Orr, col. 34, lines 42-52, teaching adding new content to fit original content format.)

Regarding **dependent claim 9**, Orr teaches:

The method of claim 8, wherein the unmodified file is an HTML file.

(See, Orr, Figures 29-46, and col. 23, line 61 through col. 51, line 52, generally, teaching techniques for manipulation of dropping files into document. Specifically, see Orr, col. 34, lines 60-65, teaching use of HTML files.)

Regarding **dependent claim 10**, Orr teaches:

The method of claim 8, wherein the modified file is an HTML file.

(See, Orr, Figures 29-46, and col. 23, line 61 through col. 51, line 52, generally, teaching techniques for manipulation of dropping files into document. Specifically, see Orr, col. 34, lines 60-65, teaching use of HTML files.)

Regarding **dependent claim 11**, Orr teaches:

The method of claim 8, wherein the final file is an HTML file.

(See, Orr, Figures 29-46, and col. 23, line 61 through col. 51, line 52, generally, teaching techniques for manipulation of dropping files into document. Specifically, see Orr, col. 34, lines 60-65, teaching use of HTML files.)

Regarding **dependent claim 12**, Orr teaches:

The method of claim 8, wherein the unmodified file comprises the output of a source code text editor.

(See, Orr, Figures 29-46, and col. 23, line 61 through col. 51, line 52, generally, teaching techniques for manipulation of dropping files into document. See also, Orr,

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Figure 9, and col. 17, lines 61-65 teaching editing of text in an HTML document. And see, Orr, col. 36, line 55 through col. 37, line 2, teaching editing the dropped content.)

Regarding **dependent claim 13**, Orr teaches:

The method of claim 8, wherein the modified file comprises the output of a design mode module.

(See, Orr, col. 10, lines 50-53, and col. 14, lines 18-26, teaching a “design tree” functioning as the “design mode module.” See also, Orr, col. 34, line 43 through col. 35, line 15, teaching that the original object may be modified to result in a modified output document.)

Regarding **dependent claim 14**, Orr teaches:

The method of claim 8, wherein comparing the unmodified file and the modified file to determine at least one modification comprises:

copying the unmodified file to a final file;

mapping blocks from the unmodified file to the modified file;

in response to determining that a block in the modified file has no corresponding block in the unmodified file, inserting the block in the final file.

(See, Orr, col. 47, line 47 through col. 48, line 26, teaching copying, mapping, and inserting functions as claimed.)

Regarding **dependent claim 15**, Orr teaches:

The method of claim 8, wherein comparing the unmodified file and the modified file to determine at least one modification comprises:

copying the unmodified file to a final file;

mapping blocks from the unmodified file to the modified file:

in response to determining a first unique block and a second unique block in the modified file are adjacent and the corresponding first unique block and corresponding second unique block in the unmodified file are not adjacent, moving the second unique block to a position adjacent to the corresponding first unique block in the final file.

(See, Orr, Figures 32 and 37-46, col. 47, line 47 through col. 48, line 26, teaching copying and mapping functions as claimed. See also, Orr, col. 37, line 47 through col. 47, line 46, teaching manipulation of blocks to accommodate modified files, including moving blocks adjacent to each other.)

Regarding **dependent claim 16**, Orr teaches:

The method of claim 8, wherein comparing the unmodified file and the modified file to determine at least one modification comprises:

copying the unmodified file to a final file;

mapping blocks from the unmodified file to the modified file;

in response to determining that a block in the unmodified file has no corresponding block in the modified file, deleting the block in the final file.

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(See, Orr, Figures 32 and 37-46, col. 47, line 47 through col. 48, line 26, teaching copying and mapping functions as claimed. See also, Orr, col. col. 37, line 47 through col. 47, line 46, teaching manipulation of blocks to accommodate modified files, including deleting blocks.)

Regarding **independent claim 17**, Orr teaches:

A computer-readable medium comprising computer-executable instructions for:

comparing a first HTML file and a second HTML file to determine changes made to the second HTML file from the first HTML file; and

receiving an unmodified HTML file, the unmodified HTML file associated with a first format; receiving a modified HTML file, the modified HTML file associated with a second format;

comparing the unmodified HTML file and the modified HTML file to determine at least one modification; and

applying the modification to the unmodified HTML file to generate a final HTML file having the first format.

(See, Orr, Figures 8-38, generally, and Figures 8-12c, particularly, and col. 17, line 31 through col. 51, line 52 generally, and col. 18, lines 33-38, specifically, teaching use of HTML files for creation of a document as claimed in claim 17.)

Regarding **dependent claim 18**, Orr teaches:

The computer-readable medium of claim 17, comprising further instructions for:

copying the unmodified file to a final file;

mapping blocks from the unmodified file to the modified file;

in response to determining that a block in the modified file has no corresponding block in the unmodified file, inserting the block in the final file.

(See, Orr, Figures 32 and 37-46, and col. 47, line 47 through col. 48, line 26, teaching copying and mapping functions as claimed. See also, Orr, Figures 32 and 37, and col. 37, lines 47-60, teaching manipulation of blocks to accommodate modified files, including inserting a block in the final file.)

Regarding **dependent claim 19**, Orr teaches:

The computer-readable medium of claim 17, comprising further instructions for:

copying the unmodified file to a final file;

mapping blocks from the unmodified file to the modified file:

in response to determining a first unique block and a second unique block in the modified file are adjacent and the corresponding first unique block and corresponding second unique block in the unmodified file are not adjacent, moving the second unique block to a position adjacent to the corresponding first unique block in the final file.

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(See, Orr, Figures 32 and 37-46, and col. 47, line 47 through col. 48, line 26, teaching copying and mapping functions as claimed. See also, Orr, col. 39, line 42 through col. 40, line 19, teaching manipulation of blocks to accommodate modified files, including moving blocks.)

Regarding **dependent claim 20**, Orr teaches:

The computer-readable medium of claim 17, comprising further instructions for:

copying the unmodified file to a final file;

mapping blocks from the unmodified file to the modified file;

in response to determining that a block in the unmodified file has no corresponding block in the modified file, deleting the block in the final file.

(See, Orr, Figures 32 and 37-46, and col. 47, line 47 through col. 48, line 26, teaching copying and mapping functions as claimed. See also, Orr, col. 36, lines 14-32, teaching manipulation of blocks to accommodate modified files, including rejecting blocks that do not have a corresponding block.)

6. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Conclusion

7. The following prior art is made of record and not relied upon that is considered pertinent to applicants' disclosure:

King, et al. (U.S. Patent 5,956,737), teaching layout of electronic documents using tree structure.

Orr, et al. (U.S. Patent 5,903,902), teaching tree structure for an electronic document, separated into content, design, and media aspects.

Orr, et al. (U.S. Patent 5,895,476), teaching editing of electronic documents using a tree structure.

Murata, (U.S. Patent 5,694,609), teaching electronic document processing using embedded node structures.

Yamashita, et al. (U.S. Patent 5,555,362), teaching extracting a tree structure from a page and creating a layout structure.

Sato, et al. (U.S. Patent 5,428,721), teaching image conversion techniques.

Brintzenhofe, et al. (U.S. Patent Application Publication 2003/0079177 A1), teaching creation of an electronic document with a tree structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday Thru Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKB/mkb

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
1/8/2006